

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADAM D. WHITE,

Plaintiff,

-against-

SHOLEM KLEIN, THE CITY OF NEW YORK, NEW
YORK CITY POLICE DEPARTMENT ("NYPD")
SERGEANT LEIGHTON BARRETT, NYPD
SERGEANT KURT KLENKE, NYPD OFFICER
AHMED ALI, NYPD OFFICER PALAKPREET KAUR,
NYPD OFFICER ADAM PHILLIPS, NYPD OFFICER
CARLOS REBOLLEDOCORTES, AND NYPD
OFFICER IKRAM ULLAH,

Defendants.
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**DECLARATION
OF SERVICE**

**23-cv-06924
(RER)(MMH)**

GIDEON ORION OLIVER hereby declares under penalties of perjury:

1. I am over 18 years of age and not a party to this action.
2. On January 3, 2025, I served the attached January 3, 2025 letter accepting the Rule 68 Offer of Judgment dated December 20, 2024 made on behalf of the City of New York and all of the individual Defendants in this case aside from Defendant Sholem Klein, a copy of which is attached to the letter, on those Defendants, by e-mailing true and correct copies of the same to opposing counsel, Joseph M. Hiraoka, Jr. Esq., at the e-mail address in his Notice of Appearance in this case, and to ServiceECF@law.nyc.gov, the e-mail address that the Law Department has designated to accept service of process by e-mail. Also on January 3, 2025, I received an e-mail from the Law Department confirming receipt of the e-mail and constituting proof of service, a copy of which is attached.

Dated: Brooklyn, New York
January 3, 2025





Gideon Orion Oliver

—ATTORNEY AT LAW—

He/him/his

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New York, NY 10007

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Brooklyn, NY 11230

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**Not for service*

January 3, 2025

By E-mail as a .PDF

Joseph M. Hiraoka, Jr., Esq.
Senior Counsel
Special Federal Litigation Division
New York City Law Department
100 Church Street
New York, New York 10007

Re: Adam White v. Sholem Klein, et al., 23-cv-6924 (RER)(MMH)

Dear Mr. Hiraoka:

Mr. White accepts the City Defendants' Rule 68 Offer of Judgment related to the claims against them dated December 20, 2024, a copy of which is attached.

I will contact you separately regarding the outstanding claims for attorney's fees and costs to see if we can reach a stipulation that would avoid the need for a formal application to the Court.

Yours,

Gideon Orion Oliver



MURIEL GOODE-TRUFANT
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JOSEPH M. HIRAOKA, JR.
Senior Counsel
Phone: (212) 356-2413
Fax: (212) 356-1148
jhiraoka@law.nyc.gov

December 20, 2024

BY REGULAR MAIL & E-MAIL

Gideon Orion Oliver, Esq.
277 Broadway, Suite 1501
New York, NY 10007

Re: Adam White v. The City of New York, et al., 23 CV 6924 (RER)(MMH)

Dear Counselor:

We represent the defendants City of New York, Barrett, Klenke, Ali, Kaur, Phillips, Rebolledocortes, and Ullah. Enclosed please find our Rule 68 Offer of Judgment in this matter.

Please contact me if you have any questions.

Very truly yours,

Joseph M. Hiraoka, Jr.

Joseph M. Hiraoka, Jr.
Senior Counsel
Special Federal Litigation Division

Encl.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADAM D. WHITE,

Plaintiff,

-against-

**RULE 68
OFFER OF JUDGMENT**

SHOLEM KLEIN, THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT ("NYPD") SERGEANT LEIGHTON BARRETT, NYPD SERGEANT KURT KLENKE, NYPD OFFICER AHMED ALI, NYPD OFFICER PALAKPREET KAUR, NYPD OFFICER ADAM PHILLIPS, NYPD OFFICER CARLOS REBOLLEDOCORTES, and NYPD OFFICER IKRAM ULLAH,

23-CV-6924 (RER)(MMH)

Defendants.

----- X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants City of New York, Barrett, Klenke, Ali, Kaur, Phillips, Rebolledocortes, and Ullah, and any defendant who is currently or subsequently named and hereafter represented by the Office of the Corporation Counsel in this action, hereby offer to allow plaintiff Adam D. White to take a judgment against the City of New York in this action for the total sum of Five Thousand and One (\$5,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for plaintiff's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants City of New York, Barrett, Klenke, Ali, Kaur, Phillips, Rebolledocortes, and Ullah or any official, employee, or agent, either past or present, of the City

of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted by written notice within 14 days after being served.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants City of New York, Barrett, Klenke, Ali, Kaur, Phillips, Rebolledocortes, and Ullah or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants City of New York, Barrett, Klenke, Ali, Kaur, Phillips, Rebolledocortes, and Ullah; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff Adam D. White agrees that payment of Five Thousand and One (\$5,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff Adam D. White is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall

start to run from the date plaintiff submits to counsel for defendants City of New York, Barrett, Klenke, Ali, Kaur, Phillips, Rebolledocortes, and Ullah a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff Adam D. White agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Adam D. White further agrees to hold harmless defendants City of New York, Barrett, Klenke, Ali, Kaur, Phillips, Rebolledocortes, and Ullah and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
December 20, 2024

MURIEL GOODE-TRUFANT
Corporation Counsel of the
City of New York
*Attorney for Defendants City of New York, Barrett,
Klenke, Ali, Kaur, Phillips, Rebolledocortes, and
Ullah*
100 Church Street, Room 3-219
New York, New York 10007
(212) 356-2413

By



Joseph M. Hiraoka, Jr.
Senior Counsel

To: **BY REGULAR MAIL & E-MAIL**
Gideon Orion Oliver, Esq.
Attorney for Plaintiff
277 Broadway, Suite 1501
New York, NY 10007